

Message Text

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PAGE 01 BONN 01551 262202Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 MCT-01 ACDA-12 IO-13 /085 W
-----037274 270749Z /21

R 261807Z JAN 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 5248
USMISSION USBERLIN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L BONN 01551

E.O. 11652: GDS
TAGS: PGOV, BQG, AKB
SUBJECT: REPLY TO SOVIET PROTEST ON EXTENSION OF
ANTI-TERRORIST LEGISLATION TO BERLIN

REFS: (A) STATE 7074
(B) BONN 203
(C) 77 STATE 285232
(D) 77 BONN 18977

1. AT THE JANUARY 13 BONN GROUP MEETING, THE UK
REP (EYERS) REPORTED THAT LONDON HAD NOT BEEN ENTIRELY
SATISFIED BY THE REVISED SECOND PARAGRAPH OF THE ALLIED
REPLY (REF B, PARA 3). (NOTE: SINCE THIS CHANGE
WAS ORIGINALLY SUBMITTED TO THE BONN GROUP BY THE UK
LEGAL ADVISER, WE ASSUME THAT THE TEXT WAS WRITTEN IN
THE UK EMBASSY ON THE BASIS OF LONDON'S GUIDELINES.)
EYERS SAID HE STRESSED TO LONDON THE NEED FOR GETTING ON
WITH THE LONG-DELAYED REPLY. AFTER A LONG STRUGGLE,
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LONDON FINALLY AGREED TO CONTENT ITSELF WITH ONLY ONE
CHANGE. THE PERIOD AFTER THE SECOND SENTENCE (WHICH
ENDS "WESTERN SECTORS OF BERLIN") IN THE REVISED
SECOND PARAGRAPH SHOULD BE REPLACED BY A SEMICOLON.

2. EYERS SAID THAT ALTHOUGH THE QA DID NOT REFER TO
SECURITY AND STATUS IN CONNECTION WITH THE ADOPTION OF

FRG LEGISLATION IN BERLIN, THE ALLIES HAD NEVER ALLOWED
FRG LEGISLATION TO AFFECT THE SECURITY AND STATUS OF THE
CITY. THE ALLIED POSITION THUS CONSTITUTED AN "UNDER-
LYING IMPLICATION" OF THE QA. THE SEMICOLON WOULD BE
MORE REFLECTIVE OF THIS THAN THE PERIOD.

3. THE FRG REP (VON BRAUNMUEHL) AND THE US REP AGREED
TO THE PROPOSED CHANGE. THE FRENCH REP
REFERRED IT TO PARIS; HE REPORTED APPROVAL ON JANUARY
24. ALL CAPITALS HAVE NOW APPROVED THE TEXT FOR DELIVERY
IN BERLIN WITH TIMING AT THE MISSIONS' DISCRETION.

4. THE APPROVED TEXT IS CONTAINED IN REF D, WITH THE
REVISED SECOND PARAGRAPH IN REF B, PARA 3 -- AND THE
SUBSTITUTION OF THE PERIOD FOLLOWING THE SECOND
SENTENCE IN THAT PARAGRAPH BY A SEMICOLON. FOR USBER'S
CONVENIENCE, THE SECOND PARAGRAPH IS REPEATED
HERE.

BEGIN TEXT

THE STATEMENT ALLEGES THAT THE LAW CONCERNS
MATTERS OF SECURITY AND STATUS AND THAT CONSEQUENTLY ITS
APPLICATION TO THE WESTERN SECTORS OF BERLIN WOULD
VIOLATE BASIC PROVISIONS OF THE QUADRIpartite AGREEMENT
OF 3 SEPTEMBER 1971. I WISH TO DRAW YOUR ATTENTION TO
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THE FACT THAT THE QUADRIpartite AGREEMENT DOES NOT
REFER TO SECURITY AND STATUS IN CONNECTION WITH THE
APPLICATION OF FEDERAL LEGISLATION TO THE WESTERN
SECTORS OF BERLIN; NONETHELESS THE ALLIED AUTHORITIES
ENSURE IN EVERY CASE THAT THEIR RIGHTS AND RESPONSIBILITIES,
INCLUDING THOSE RELATING TO STATUS AND SECURITY,
ARE NOT AFFECTED. THE ESTABLISHED PROCEDURES CONCERNING
THE APPLICABILITY OF FEDERAL LEGISLATION, MENTIONED IN
THE LETTER DATED 3 SEPTEMBER 1971 FROM THE AMBASSADORS
OF THE FRENCH REPUBLIC, THE UNITED KINGDOM AND THE
UNITED STATES TO THE FEDERAL CHANCELLOR, PROVIDE THE
MEANS FOR THEM TO DO SO.

END TEXT
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Message Attributes

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Draft Date: 26 jan 1978
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: GS
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Film Number: D780040-0551
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Litigation History:
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